

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Joy Gordon,

Plaintiff,

Case No. 21-10155

v.

Judith E. Levy

United States District Judge

United States of America, United  
States Postal Service,

Mag. Judge Kimberly G. Altman

Defendants.

\_\_\_\_\_/

**ORDER DENYING PLAINTIFF'S MOTION FOR EXTENSION OF  
SUMMONS ON GOOD CAUSE GROUNDS [10] BUT  
EXERCISING DISCRETION TO EXTEND SERVICE DEADLINE  
UNTIL JULY 16, 2021**

Plaintiff Joy Gordon brings this Federal Tort Claim Act (FTCA) lawsuit for money damages after she slipped and fell on a wet substance in the Grosse Pointe Farms Post Office due to Defendants' alleged negligence. (ECF No. 1.) On May 26, 2021, the Court set aside a clerk's entry of default that was erroneously entered after Plaintiff failed to serve the United States Attorney's Office, as is required in FTCA cases. (ECF No. 9.) *See* Fed. R. Civ. P. 12(a).

On June 28, 2021, Plaintiff filed a motion requesting an extension of summons so that she may properly serve all Defendants. (ECF No. 10.) Plaintiff's service deadline expired on April 22, 2021—90 days after the filing of this case on January 22, 2021. *See* Fed. R. Civ. P. 4(m).

Rule 4(m) states:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

*Id.* Plaintiff argues that she has shown good cause because her failure to serve all parties was due to an inadvertent “clerical mistake.” (ECF No. 10, PageID.34-35.) However, the Sixth Circuit has held that “mistake of counsel or ignorance of the rules” is “insufficient” to satisfy this good cause standard. *Johnson v. Smith*, No. 20-5505, 835 Fed. Appx. 114 (Mem), at \*115 (6th Cir. Jan. 28, 2021).

Plaintiff's clerical mistake is not good cause for an extension, and her motion is DENIED on that basis. *See id.* However, the Court exercises its discretion under the federal rules to “order that service be made

within a specified time.” Fed. R. Civ. P. 4(m). Accordingly, Plaintiff is ORDERED to serve all proper parties by **July 16, 2021**. Failure to do so will result in dismissal without prejudice of this case.

IT IS SO ORDERED.

Dated: June 30, 2021  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court’s ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on June 30, 2021.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager